

AO88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the  
**United States District Court**

District of the Northern Mariana Islands

**MOSES T. FEJERAN and QIANYAN S. FEJERAN,**  
**Plaintiffs,**

**AVIATION SERVICES (CNMI), LTD. dba**  
**FREEDOM AIR,**

**Defendant.**

**SUBPOENA IN A CIVIL CASE**

CASE NUMBER:<sup>1</sup> **05-0033**

TO: **LARRY B. HOCOG, M.D.**  
**COMMONWEALTH HEALTH CLINIC (SAIPAN)**  
**Lower Navy Hill**  
**Saipan, MP 96950**

☐ **YOU ARE COMMANDED** to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ **YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION **CARLSMITH BALL LLP**  
**Carlsmith Ball LLP Building**  
**Capitol Hill, Saipan, MP 96950**

DATE AND TIME  
**Friday, June 1, 2007**  
**10:00 a.m.**

☒ **YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

**See attached Subpoena Duces Tecum for list of documents.**

PLACE **CARLSMITH BALL LLP**  
**Carlsmith Ball LLP Building**  
**Capitol Hill, Saipan, MP 96950**

DATE AND TIME  
**Friday, June 1, 2007**  
**10:00 a.m.**

☐ **YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

**Attorney for Defendant**

**May 21, 2007**

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

**David Ledger, Esq.**  
**CARLSMITH BALL LLP**  
**Suite 401, Bank of Hawaii Building**  
**134 West Soledad Avenue**  
**Hagatna, Guam 96910**

**[(671) 472-6813]**

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 1/94) Subpoena in a Civil Case

## PROOF OF SERVICE

SERVED 5/22/07 CHC, Garapan  
 SERVED ON (PRINT NAME) DATE PLACE  
 MANNER OF SERVICE  
JOSEPH C. SANTOS DEPUTY SECRETARY for Hospital Administration  
 SERVED BY (PRINT NAME) TITLE  
JOHN S. ALBIS PROCESS SERVER  
 DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 5/22/07  
 DATE

John S. Albis  
 SIGNATURE OF SERVER

Papago, Saipan  
 ADDRESS OF SERVER

## Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

## (B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## (d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

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Issued by the  
**United States District Court**

District of the Northern Mariana Islands

MOSES T. FEJERAN and QIANYAN S. FEJERAN,  
 Plaintiffs,

**SUBPOENA IN A CIVIL CASE**

V.  
 AVIATION SERVICES (CNMI), LTD. dba  
 FREEDOM AIR,

Defendant.

CASE NUMBER:<sup>1</sup> 05-0033

TO: LARRY B. HOCOG, M.D.  
 COMMONWEALTH HEALTH CLINIC (SAIPAN)  
 Lower Navy Hill  
 Saipan, MP 96950

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION **CARLSMITH BALL LLP**  
 Carlsmith Ball LLP Building  
 Capitol Hill, Saipan, MP 96950

DATE AND TIME  
**Friday, June 1, 2007**  
**10:00 a.m.**

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See attached Subpoena Duces Tecum for list of documents.

PLACE **CARLSMITH BALL LLP**  
 Carlsmith Ball LLP Building  
 Capitol Hill, Saipan, MP 96950

DATE AND TIME  
**Friday, June 1, 2007**  
**10:00 a.m.**

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Defendant

May 21, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

David Ledger, Esq.  
 CARLSMITH BALL LLP  
 Suite 401, Bank of Hawaii Building  
 134 West Soledad Avenue  
 Hagatna, Guam 96910

[(671) 472-6813]

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number

Received By JSanchez  
 5/22/07

FILE

1 CARLSMITH BALL LLP

2 DAVID LEDGER (CNMI BAR NO. F0195)  
3 Carlsmith Ball LLP Building  
4 Capitol Hill  
5 Post Office Box 5241  
6 Saipan, MP 96950-5241  
7 Tel No. 670.322.3455

8 Attorneys for Defendant  
9 Aviation Services (CNMI), Ltd. dba Freedom Air

10 UNITED STATES DISTRICT COURT  
11 FOR THE  
12 NORTHERN MARIANA ISLANDS

13 MOSES T. FEJERAN and  
14 QIANYAN S. FEJERAN,

15 Plaintiffs,

16 vs.

17 AVIATION SERVICES (CNMI), LTD.  
18 dba FREEDOM AIR,

19 Defendant.

CIVIL ACTION NO. 05-0033

SUBPOENA DUCES TECUM;  
CERTIFICATE OF SERVICE

20 **TO: LARRY B. HOCOG, M.D.**  
21 **COMMONWEALTH HEALTH CLINIC (SAIPAN)**  
22 **Lower Navy Hill**  
23 **Saipan, MP 96950**


24 You are hereby commanded to appear for the taking of your deposition in the above-  
25 entitled action. The deposition will be taken at the offices of Carlsmith Ball LLP, Capitol Hill,  
26 Carlsmith Ball LLP Building, Saipan, MP 96950 on **Friday, June 1, 2007, at 10:00 a.m.** on  
27 behalf of Defendant in the above-entitled action. You are hereby commanded to bring the  
28 following items to the deposition.

1. Medical records for your patient, Mr. Moses Fejeran, Social Security Number 586-64-4606, Date of Birth July 30, 1940.

2. All correspondence you have received from or sent to Mr. Fejeran's lawyers, whose names appear on the accompanying Certificate of Service

DATED: Hagåtña, Guam, May 21, 2007.

CARLSMITH BALL LLP

  
DAVID LEDGER  
Attorneys for Defendant  
Aviation Services (CNMI), Ltd.  
dba Freedom Air

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 21st day of May 2007, I will cause to be served, via electronic filing/service, a true and correct copy of **SUBPOENA DUCES TECUM;**

**CERTIFICATE OF SERVICE** upon the following Counsel of record.

George L. Hasselback, Esq.  
David Banes, Esq.  
O'Connor Berman Dotts & Banes  
Second Floor, Nauru Building  
Post Office Box 501969  
Saipan, MP 96950

DATED: May 21, 2007.

  
DAVID LEDGER